

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

CAPITAL AREA IMMIGRANTS' RIGHTS
COALITION, *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity
as President of the United States, *et al.*,

Defendants.

Civil Action No. 1:19-cv-02117-TJK

I.A., *et al.*,

Plaintiffs,

v.

WILLIAM BARR, in his official capacity as
Attorney General of the United States, *et al.*,

Defendants.

Civil Action No. _____

**JOINT STATEMENT ON SCHEDULING CONCERNING PLAINTIFFS' RENEWED
MOTION FOR PRELIMINARY INJUNCTION AND REQUEST TO HOLD SUMMARY
JUDGMENT PROCEEDINGS IN ABEYANCE**

Pursuant to Local Civil Rules 7, 16.1, and 65.1(d), the parties hereby respectfully request and state as follows:

1. In its Minute Order of July 30, 2019, this Court stated that the Plaintiffs in *CAIR Coalition v. Trump* are “entitled to renew their motion [for a preliminary injunction] if th[e] injunction” issued by the District Court for the Northern District of California in *East Bay v. Barr* “is stayed or vacated in whole or in part.” On August 16, 2019, the Ninth Circuit issued a

decision staying in part the preliminary injunction entered by the district court in *East Bay. East Bay Sanctuary Covenant v. Barr*, 2019 WL 3850928 (9th Cir. Aug. 16, 2019). In addition, on August 19, 2019, plaintiffs in *I.A. v. Barr*¹ filed suit in this Court challenging the same rule that is the subject of *CAIR Coalition v. Trump*, and designated their lawsuit as a related case.

2. Plaintiffs in *CAIR Coalition v. Trump* intend to renew their motion for a preliminary injunction and file an accompanying memorandum and other supporting materials in support of that motion on August 21, 2019. Plaintiffs in *I.A. v. Barr* also intend to file a motion for a preliminary injunction and file an accompanying memorandum and other supporting materials in support of that motion on August 21, 2019.

3. The parties jointly and respectfully request that the Court set the following briefing schedule on the preliminary injunction motions filed by both the *CAIR Coalition* and *I.A. Plaintiffs*: Defendants will file memoranda in opposition to Plaintiffs' motions on August 28, 2019, and Plaintiffs will file reply briefs in support of their motions on September 3, 2019. The parties respectfully request that this Court hold a hearing on Plaintiffs' motions for a preliminary injunction on September 9, 2019 or any date thereafter convenient to the Court.

4. The parties in *CAIR Coalition v. Trump* jointly and respectfully request that the briefing scheduling entered by this Court on July 30, 2019 regarding the parties' cross-motions for summary judgment, including the deadline for Plaintiffs to file their motion for summary judgment by August 27, 2019, be held in abeyance pending a decision by this Court on Plaintiffs' forthcoming renewed motion for a preliminary injunction.

5. The parties in *CAIR Coalition v. Trump* also respectfully request that they be

¹ The *I.A.* plaintiffs have not yet been assigned a case number and are awaiting Chief Judge Howell's ruling on the unopposed motion to file under pseudonyms that accompanied their Complaint.

permitted to incorporate by reference, to the extent appropriate and in order to reduce redundancy for the Court and streamline proceedings, those arguments made in their earlier memoranda regarding Plaintiffs' motion for a temporary restraining order.

6. Defendants separately propose that because *CAIR Coalition v. Trump* and *I.A. v. Barr* raise virtually identical legal claims on behalf similarly situated individuals and organizations, the Court should consolidate the cases and provide for a briefing process that requires Plaintiffs in both cases to submit an omnibus brief, limited to 60 pages, addressing all outstanding issues not previously briefed by the parties in *CAIR*, and incorporating by reference prior briefing where appropriate. Defendants then shall file an omnibus opposition, also limited to 60 pages. And Plaintiffs then may file a single omnibus reply brief.

- a. Plaintiffs do not oppose the filing of a consolidated opposition brief by the Government. But Plaintiffs do not believe that it is appropriate or feasible to require plaintiffs in two separate cases to coordinate and file a single omnibus brief within one day of the filing of this motion, particularly given the different arguments made by plaintiffs in support of their claims and the different types of plaintiffs named in their respective cases. Plaintiffs in *CAIR Coalition* also do not believe that it is appropriate to require (as opposed to permit) them to incorporate by reference arguments made in their prior briefs, given that this Court invited further legal and factual development of these claims in its TRO ruling. Plaintiffs will, however, incorporate argument by reference wherever feasible to reduce duplication.

7. Plaintiffs in *CAIR Coalition v. Trump* propose that in the event that the District Court for the Northern District of California issues an order reinstating its original nationwide

preliminary injunction, the parties agree that Plaintiffs' forthcoming motions for a preliminary injunction can be held in abeyance, and that they will file a joint status report proposing a renewed briefing schedule for summary judgment proceedings.

- a. Defendants believe that this Court can account for any relevant rulings by other courts at a later time, as necessary, and propose that the parties meet and confer on how to proceed should that become necessary.

8. Defendants also note that in the event that they seek further relief in *East Bay Sanctuary Covenant v. Barr* from the Supreme Court, Defendants will promptly notify the Court of that decision, as that may affect further proceedings before this Court.

August 20, 2019

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on August 20, 2019, I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the District of Columbia by using the CM/ECF system. Counsel in the case are registered CM/ECF users and service will be accomplished by the CM/ECF system.

August 20, 2019

Respectfully submitted,

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